

IC 2-5-16

Chapter 16. Probate Code Study Commission

IC 2-5-16-1

"Commission" defined

Sec. 1. As used in this chapter, "commission" refers to the probate code study commission.

As added by P.L.9-1988, SEC.1.

IC 2-5-16-2

Establishment of commission

Sec. 2. The probate code study commission is established.

As added by P.L.9-1988, SEC.1.

IC 2-5-16-3

Membership

Sec. 3. (a) The commission has the following membership:

(1) Ten (10) members appointed by the governor. Each Indiana congressional district must be represented by at least one (1) member appointed under this subdivision who is a resident of that congressional district.

(2) Three (3) members appointed by the president pro tempore of the senate from among the members of the senate, not more than two (2) of whom may be affiliated with the same political party.

(3) Three (3) members appointed by the speaker of the house of representatives from among the members of the house, not more than two (2) of whom may be affiliated with the same political party.

(b) If a legislative member of the commission ceases to be a member of the chamber from which the member was appointed, the person ceases to be a member of the commission.

(c) The term of a member is two (2) years.

(d) If:

(1) the term of a member expires;

(2) the member is not reappointed; and

(3) a successor is not appointed;

the term of the member continues until a successor is appointed.

As added by P.L.9-1988, SEC.1. Amended by P.L.3-1994, SEC.1; P.L.170-2002, SEC.3.

IC 2-5-16-4

Chairman and vice chairman

Sec. 4. (a) For calendar year 2009 and every fourth calendar year thereafter, the president pro tempore of the senate shall appoint a chairman and a vice chairman from among the commission's legislative members, each to serve a term of two (2) years.

(b) For calendar year 2011 and every fourth calendar year thereafter, the speaker of the house of representatives shall appoint a chairman and a vice chairman from among the commission's

legislative members, each to serve a term of two (2) years.
*As added by P.L.9-1988, SEC.1. Amended by P.L.3-1994, SEC.2;
P.L.143-2009, SEC.1.*

IC 2-5-16-5

Vacancies

Sec. 5. (a) A vacancy on the commission shall be filled by the original appointing authority.

(b) If the office of chairman or vice chairman of the commission becomes vacant, the commission shall elect a person to fill the vacancy from among the legislative members of the commission.

As added by P.L.9-1988, SEC.1.

IC 2-5-16-5.5

Quorum

Sec. 5.5. (a) A quorum for a meeting of the commission is determined as follows:

STEP ONE: Determine the total number of members currently serving on the commission.

STEP TWO: Divide the number determined in STEP ONE by two (2). If the quotient is not a whole number, round the quotient up to the nearest whole number.

STEP THREE: Add one (1) member to the quotient determined under STEP TWO.

(b) Before the commission takes any final action, the number of affirmative votes on the action must equal the number of members in a quorum.

As added by P.L.3-1994, SEC.3.

IC 2-5-16-6

Rules; committees

Sec. 6. Subject to applicable statutes and policies established by the legislative council, the commission by resolution may adopt rules and create committees, consisting of its members, necessary for the proper conduct of its business.

As added by P.L.9-1988, SEC.1.

IC 2-5-16-7

Compensation of commission members

Sec. 7. Each legislative member and each lay member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

As added by P.L.9-1988, SEC.1.

IC 2-5-16-8

Staff support

Sec. 8. The legislative services agency shall provide staff support to the commission.

As added by P.L.9-1988, SEC.1.

IC 2-5-16-9

Funding

Sec. 9. Funds necessary to carry out this chapter shall be allotted to the commission from funds appropriated to the legislative council.

As added by P.L.9-1988, SEC.1.

IC 2-5-16-10

Public or private sources of money or services; acceptance

Sec. 10. Subject to standards set by statute and the policies established by the legislative council, the commission may accept money or services from any public or private source to carry out this chapter.

As added by P.L.9-1988, SEC.1.

IC 2-5-16-11

Reports

Sec. 11. The commission shall submit reports in an electronic format under IC 5-14-6 to the legislative council as and when requested by the council.

As added by P.L.9-1988, SEC.1. Amended by P.L.28-2004, SEC.7.

IC 2-5-16-12

Functions of commission

Sec. 12. The commission shall carry out a program to study and recommend to the general assembly needed changes in the following:

- (1) The probate code (IC 29-1).
- (2) The trust code (IC 30-4).
- (3) Other statutes affecting the administration of a decedent's estate, guardianships, probate jurisdiction, trusts, or fiduciaries.

As added by P.L.9-1988, SEC.1.

IC 2-5-16-13

Referral of issues by legislative council; report

Sec. 13. The legislative council may refer any issue related to probate or trusts and fiduciaries to the commission for study. If a matter is referred to the commission under this section, the commission shall study that matter and report in an electronic format under IC 5-14-6 to the legislative council as requested by the council.

As added by P.L.9-1988, SEC.1. Amended by P.L.28-2004, SEC.8.